

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)  
(Bankr. S.D.N.Y.)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff  
Investment Securities LLC,

Plaintiff,

v.

BANQUE CANTONALE VAUDOISE,

Defendant.

Adv. Pro. No. 12-01694 (CGM)  
(Bankr. S.D.N.Y.)

**NOTICE OF APPEAL**

**Part 1: Identify the Appellant(s)**

1. **Name(s) of appellants:** Banque Cantonale Vaudoise
2. **Position of appellants in the adversary proceeding that is the subject of this appeal:** Defendant

**Part 2: Identify the subject of this appeal**

1. **Describe the judgment, order or decree appealed from:** Defendant-

Appellant, by its attorneys, hereby appeals under 28 U.S.C. § 158(a)(3) from

the Order Denying its Motion to Dismiss the Complaint, dated July 21, 2022 (ECF No. 108) (the “Order”).

2. **State the date on which the judgment, order, or decree was entered:** The Order was entered on July 21, 2022. A copy of the Order is annexed hereto as **Exhibit A**.

**Part 3: Identify the other parties to the appeal**

The Relevant parties to the judgment, order, or decree appealed from, and the names, addresses, and telephone numbers of their respective attorneys are as follows:

<b>Defendant-Appellant</b>	<b>Attorneys</b>
Banque Cantonale Vaudoise	<b>Allegaert Berger &amp; Vogel LLP</b> John F. Zulack Lauren J. Pincus David A. Shaiman 111 Broadway, 20th Floor New York, NY 10006 212-571-0550 jzulack@abv.com lpincus@abv.com dshaiman@abv.com

<b>Plaintiff-Appellees</b>	<b>Attorneys</b>
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC	<b>Baker &amp; Hostetler LLP</b> David J. Sheehan Torello H. Calvani J’Naia L. Boyd 45 Rockefeller Plaza

	New York, New York 10111 Telephone: (212) 589-4200 Facsimile: (212) 589-4201 Email: dsheehan@bakerlaw.com Email: tcalvani@bakerlaw.com Email: jlboyd@bakerlaw.com
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**Part 4: Not Applicable (No BAP in this District)**

**Part 5: Signature**

August 17, 2022

Respectfully submitted,

/s/ John F. Zulack  
ALLEGAERT BERGER & VOGEL  
LLP  
John F. Zulack  
Lauren J. Pincus  
David A. Shaiman  
111 Broadway, 20th Floor  
New York, NY 10006  
212-571-0550  
jzulack@abv.com  
lpincus@abv.com  
dshaiman@abv.com

*Counsel for Banque Cantonale  
Vaudoise*

# **EXHIBIT A**

**UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and the Chapter 7 Estate of  
Bernard L. Madoff,

Plaintiff,

v.

BANQUE CANTONALE VAUDOISE,

Defendant.

Adv. Pro. No. 12-01694 (CGM)

**ORDER DENYING BANQUE CANTONALE  
VAUDOISE'S MOTION TO DISMISS THE COMPLAINT**

Defendant Banque Cantonale Vaudoise's motion to dismiss the Complaint under Bankruptcy Rule 7012(b) and Federal Rule of Civil Procedure 12(b)(6) (the "**Motion**") was scheduled for a hearing before the Court on July 13, 2022. The parties, however, stipulated to rest on their papers and waive oral argument on the Motion. The Court has considered the Motion, the

papers filed in support of and in opposition to the Motion, and the Complaint, and the Court has issued a memorandum decision, dated July 14, 2022, regarding the Motion (the “**Decision**”).

Based on the record in this adversary proceeding, including the Decision, **IT IS ORDERED:**

1. The Motion to dismiss the Complaint is denied.
2. The deadline for Banque Cantonale Vaudoise to file an answer to the Complaint is September 30, 2022.
3. The Court shall retain jurisdiction to implement or enforce this Order.

**Dated: July 21, 2022**  
**Poughkeepsie, New York**



**/s/ Cecelia G. Morris**

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**Hon. Cecelia G. Morris**  
**U.S. Bankruptcy Judge**